

Law Enforcement in the Sacramento-San Joaquin Delta Region

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Introduction

The Sacramento-San Joaquin Delta is part of the largest estuary on the Pacific Coast. Covering more than 738,000 acres of land, open water, and levees, the Delta is a complex region that plays a vital role in the California economy. About two-thirds of Delta land is used for agriculture and supports a diverse ecosystem with more than 700 plant and animal species; it is also the hub of water supply for much of California, conveying all or some of the water supply to more than two-thirds of Californians. Its extensive network of open waterways, public open space (e.g., state parks), and legacy communities attracts tourists and supports a number of recreational opportunities.

While there are more than 200 entities with some form of jurisdiction in the Delta, law enforcement is primarily carried out by the respective five Delta counties—Contra Costa, Sacramento, San Joaquin, Solano, and Yolo. The California Highway Patrol (CHP) has responsibilities for traffic and highway safety in the region, and the U.S. Coast Guard has authority over much of the waterways. Finally, the Department of Fish and Game’s rangers also have law enforcement authority in the Delta, and has in the past supplemented county sheriff departments by writing citations for crimes such as illegal parking on levees as well as natural resource code violations.

The variety of demands placed on Delta resources has resulted in a complex mix of stakeholders working to advance a number of often competing interests. Despite this multitude of interest groups that work in and around the Delta, the economic, social, and environmental wellbeing of Delta residents is often not represented well in the planning process of many Delta projects.

The Delta Conservancy was founded in 2009 to be a “primary state agency responsible for ecosystem restoration in the Delta and to support efforts that advance environmental protection and economic well-being of Delta residents, including providing increased opportunities for tourism and recreation in the Delta” (Public Resources Code Section 32322(b)(3)). One aspect of the Delta Conservancy’s mission is to ensure that the interests of local land and business owners, farmers, and residents¹ are considered when projects are implemented in the Delta. To this end, the Delta Conservancy holds public meetings throughout the Delta to gather public comment and hear citizen concerns.

A result of these outreach efforts is that Delta residents raised several concerns to the Delta Conservancy about the potential for crime to proliferate in the area as a result of proposed increases in recreation and tourism. The remote nature of the Delta contributes to the residents facing a myriad of challenges, such as trespassing, dumping, vandalism, and theft that the region’s law enforcement agencies have difficulty addressing to the residents’ satisfaction. As a result, the Delta Conservancy decided to look into the current level of law enforcement, what the level of coverage should be, and what level of coverage will be needed if recreation and tourism increases.

At the request of the Delta Conservancy, six Executive fellows from California State University, Sacramento spoke with various law enforcement entities to answer these questions and identify their issues and perspectives. This report provides various points of view on these issues of Delta residents, as well as possible actions the Delta Conservancy can consider to address these concerns of Delta residents.

¹ Throughout the remainder of this report, the term Delta residents will be used to refer to the many people who live, work, and recreate in the Delta.

Delta Crime

Much of the Delta is sparsely inhabited and relies on the respective five Delta County Sheriff's Departments and the CHP for law enforcement coverage. However, the vastness of the area and serious cuts to many Sheriff's Departments' budgets makes it difficult for law enforcement to cover all areas. Because of the low population and limited law enforcement presence, many crimes go unseen and can have a monetary impact on its victims. The two primary complaints mentioned by Delta residents about crime in the Delta are trespassing and theft.

Trespassing

One common crime on the Delta is trespassing onto private property. Most of the levees that line the waterways are privately owned, yet the banks along the water (called the "high line") are public lands. In much of the Delta it is difficult to determine where public land ends and private property begins. When visitors dock their boats and go ashore, or drive onto the levee to go fishing on the high line, they may be trespassing onto private property without realizing it.

Trespassing can also expose a landowner to financial liability. For example, if a trespasser is harmed on private property the landowner can be held responsible and may be subjected to a personal liability suit. If tourists injure themselves while walking around on private land, or are exposed to harmful pesticides, the landowner could be held liable for medical bills as a result of a negligence claim. One farmer spoke to the Delta Conservancy about being sued under very similar circumstances as those just mentioned.

Better Demarcation between Public and Private Land

Law enforcement pointed to the fact that it can be difficult to distinguish between public and private property, and suggested that the demarcation could be improved by adding more signage. Public land, such as state or county parks, is scattered throughout the Delta, and boundaries are not often clearly marked along the entire perimeter. With the proposed cutbacks in access to some state parks, improving signage could guide visitors to the public spaces that are available.

Efforts to increase awareness of the demarcation between public and private property may reduce some forms of trespassing. This could be accomplished in three ways:

1. Regional tourism maps designed to illustrate which land is publicly accessible, and inform tourists that levees are often private property. These could be published online, distributed at launch ramps, and made available throughout the Delta communities and recreation centers. Google Maps offers a simple way to generate interactive map overlays, which could be used to produce these maps.
2. Increased signage and other forms of boundary markers along the edges of private property and public property.
3. Land easements could be purchased from private landowners by the state to develop clearly marked paths down to the high line and public land. Easements have proven useful in coastal regions², providing visitors easy access to public lands.

² http://coastalmanagement.noaa.gov/initiatives/shoreline_ppr_easements.html

It is important that all signage is geared towards both boaters and on-land visitors to ensure its effectiveness.

Personal Liability Insurance for Delta Landowners

The risk of personal injury lawsuits is a serious concern for Delta landowners. Personal liability insurance is one way to mitigate these risks.

According to the legal counsel at the California Department of Insurance, there are two viable options available for local Delta residents:

1. **Group insurance:** If landowners in the Delta purchase insurance together, they may be able to get a group rate. This is common with health insurance; companies insure their employees as a group, which results in lower individual premiums because the liability risk is spread across many landowners. Each landowner would have to use the same insurance company under this type of program.
2. **An insurance pool:** With this option, companies would create a regional liability insurance pool, thereby spreading the liability risk among the participating companies. This could result in lower premiums for landowners and allow them to choose an insurance policy with the company of their choice.

Theft in the Delta

Theft is a commonly raised problem in the Delta, particularly for farmers. Water pump valves, vehicle batteries, and any number of other pieces of farm equipment have been cited by law enforcement as a target for thieves, but the rise in copper wire theft is cited by law enforcement officials as one of the most recent concerns in their jurisdictions. Thieves can get as little as five dollars for stolen copper wire, but with the rising cost of copper throughout the world, it can cost farmers hundreds of dollars to replace. Farms can be fairly large and do not always have farm personnel working in all areas throughout the entire year, so it may be days or weeks before a farmer notices the theft of his or her property, making the crimes difficult to investigate.

Collaboration with Recycling Centers

In the past, Sacramento County attempted to address the issue of theft by collaborating with local recycling centers. Law enforcement requires that recycling centers get a copy of a Driver's License or other form of identification from anyone who brings in scrap metal. In Sacramento County, the recycling center would wait three days before paying the seller, giving law enforcement time to check with farmers in the area for instances of theft. Also, when a metal theft was reported, law enforcement worked with the recycling centers to see if a customer repeatedly sold metal which was unusual for a person to be selling, and whether they should investigate. Due to budget constraints, the Sacramento County Sheriff's Department no longer dedicates an officer to regularly check recycling centers, even though they noted that the program was effective in capturing copper thieves.

Programs that focus on the sale of copper wire can help reduce the incentive to steal metal from the Delta. Easy access to the metal is worthless if it cannot be sold, and thieves might be more reluctant to steal it if there are effective measures to catch them. The adoption of these programs could have a positive effect on reducing metal theft in Delta counties.

Boating Safety

Boating safety was identified as one of the leading concerns in the interviews with law enforcement, particularly with the Marine Services Units of the County Sheriff's Departments and the U.S. Coast Guard. They noted that the number of boating accidents often increases when water-related tourism increases. With an expected rise in recreational activity in the Delta, law enforcement agencies consider boater education an important factor in increasing safety on the water.

Boating Under the Influence

Many Marine Services Units identified Boating Under the Influence (BUI) as one of the most prevalent crimes encountered on the Delta. According to the Department of Boating and Waterways, alcohol is a factor in about 50 percent of all fatal motorboat accidents in the California.³ Although crashes, speeding, and reckless driving can occur independent of the use alcohol, these types of boating accidents are often associated with BUIs, a concern raised by every water-based enforcement entity. For example, the Yolo County and Contra Costa County law enforcement officers identified BUIs as the most frequent crime on the water that their respective Marine Services Units deal with.

A reason for the high number of BUIs is that boat operators can drive boats without a license or education. A number of law enforcement officials stated that education is imperative for the safe operation of vessels and in curbing BUIs. While some counties experienced a drop in the number of BUIs issued in 2011, many of the law enforcement agencies expect an increase in BUIs due to a rise in the number of boat registrations this year.

Another concern presented is that BUI fines have a limited impact on boater behavior. According to California State Law, "a person convicted of operation a vessel while intoxicated could receive up to a \$1000 fine, six months in jail, or both."⁴ One respondent noted that BUI convictions do not impact driving privileges⁵ despite the fact that the law states that a BUI conviction "[qualifies] as a prior offense and results in an enhanced penalty for subsequent conviction for driving (a motor vehicle while) under the influence of alcohol or drugs."⁶ One recommended approach was to tie stricter penalties for BUIs to an individual's driver license privileges in order to affect boater behavior and decrease the number of BUIs.

³ ABC's of California Boating. Web. 18. 16 May 2012. <<http://www.dbw.ca.gov/pubs/abc/>>

⁴ "Enforcement of Boating Under the Influence Laws to be stepped up June 27-28th." California Department of Boating and Waterways. 22 June 2009. Web. 16 May 2012. <<http://www.dbw.ca.gov/PressRoom/2009/090622OpDryWater.aspx>>

⁵ In 2008, the Department of Motor Vehicles stopped "imposing driver license suspensions, revocations, or restrictions based solely on a conviction for operation a vessel while under the influence of alcohol or drugs (BUI)."

⁶ Ibid.

Forms of Education

Many of the law enforcement officers interviewed suggested that education was an effective way to address boating safety concerns and BUIs. In San Joaquin County, the vast majority of the stops officers make result in the officers educating the boaters about required safety measures, rather than issuing citations.

One suggested option to address the lack of boater education is through the mandatory licensing of vessel operators. California is one of four states that do not require boat operators to have a boating license. A boating license mandate would have to pass through the legislature and boat operators could incur a cost to acquire the license.

An alternative to requiring a boating license could be to require boating operators to complete an online educational course or tutorial focused on boating safety. After the completion of such tutorial or course, the vessel operator would receive an “Operator Card” or printable certificate that would function as proof that the operator has the required education. This proposal is supported by a number of different entities. For example, one of the Coast Guard’s priorities is to support boating education in the form of a safety course online.

The State Assembly has considered legislation regarding education and certification for boat operators in the past. Assembly Bill 2110 (Duvall) from 2008 attempted to establish a certification process for motorboat operators. The legislation stated that the Department of Boating and Waterways (DBW) would require boat operators to obtain a vehicle operator card in order to legally operate a motorboat.⁷ Assembly Member Duvall resigned in the middle of the legislation session, resulting in the failure of the bill. There has since been no legislation passed that mandates boat licensure.

Temporary Solutions to Lack of Boater Education

In Lake Havasu, Arizona there is a grassroots, privately funded *Designated Operator* safety campaign that aims to “delegate the responsibility of operating a boat to an experienced, licensed, and sober captain.”⁸ The Coast Guard-licensed captains offer their hourly services to promote safe and sober vessel piloting to recreational boaters. Initial reports from law enforcement agencies who patrol Lake Havasu have indicated that the “safety campaign is making inroads and a difference with recreational boaters.”⁹ A similar *Delta Designated Operator* campaign and program could help mitigate the safety risks associated with the lack of boater education.

⁷ Applicants for the operator card would have to pass an online test which would be offered on the DBW website, and DBW was permitted to levy a fee of no more than \$7 for the boater test and a fee of no more than \$13 for each operator card. Persons who wanted to rent a boat could take a test to receive a rental vessel operator card. The requirement that boat operators have an operator card would be phased in over seven years starting January 1, 2012. Boaters who did not adhere to the requirement could face a fine between \$100 and \$500, and younger boat operators would be subject to the requirements at an earlier date than older boat operators.

⁸ “Lake Havasu Adds Another Element to Sober Boating: ‘Designated Captain’ Now Part of 2011 Campaign.” Arizona Boating and Watersports. Web. 16 May 2012.

⁹ Ibid.

Law Enforcement and Public Safety on the Delta

Enforcing the law in the Delta region poses many challenges to law enforcement agencies that patrol the vast areas with limited resources and personnel. As the state's budget crisis continues to diminish agency funding, the resource limitations are exacerbated and the challenges become greater. Efficient augmentations to coverage on the Delta, such as reserve and volunteer officers, have often been eliminated to decrease costs. The current State budget proposal threatens to reduce funding for marine units in the Delta.¹⁰ While some counties are more impacted than others, any region-wide increase in tourism should consider the law enforcement situation across the Delta, and explore possible ways to mitigate the additional strains such an increase in recreation might produce.

Budget, Resources, and Coverage

Most communities in the Delta are unincorporated, which means that they rely on their respective county Sheriff's Department for law enforcement services. Budget resources for county Sheriffs come from local (usually county) taxes and a mixture of state and federal money, including grants. California's extended budget crisis has taken a toll on public services in many ways, and the Delta provides a good example of the effect on public safety. Crimes must be prioritized in any locale, but in the Delta this becomes even more important because the travel involved in responding to a call can occupy an officer for several hours.

Residents see the effects of prioritization decisions when law enforcement agencies must determine when to send an officer to respond to calls for issues such as altercations or trespassing. Law enforcement agencies are increasingly forced to prioritize some cases over others. At times, this can result in an officer taking a report over the phone in lieu of a physical visit, or an hours-long delay in arriving at a scene. In some cases, it can mean an outright elimination of a useful program or level of coverage. For example, Sacramento County Sheriff no longer assigns an officer to monitor recycling centers, deciding that investigating metal theft is less a priority than other crimes. From a resident's perspective, this can mean living with more uninvestigated minor crimes such as theft, trespassing, and illegal dumping.

In addition to traditional land-based patrols, the Delta requires a significant marine patrol to cover its 550 miles of waterways. Some counties have more robust marine units than others. San Joaquin County, for example, has eleven boats and six deputies at its disposal, while Sacramento County's South Bureau has no boats patrolling its Delta waters. The Department of Boating and Waterways provides grant funds to marine units in the Delta; the Governor's proposed 2012 budget would cut that funding source entirely. Should the cuts go into effect, they could result in reduced law enforcement coverage on the Delta, as many areas are best accessed by boat, and marine units are often the first to respond to remote calls.

Due to different budget and resource conditions, as well as law enforcement needs in each of the five Delta counties, some agencies feel more comfortable with the level of coverage they can provide in the Delta.¹¹ Both San Joaquin and Solano law enforcement agencies indicated their current coverage was

¹⁰ "Governor's Budget May Revision 2012-2013." California Department of Finance. 1-93. Web. 27 May 2012.
<http://www.dof.ca.gov/documents/2012-13_May_Revision.pdf>

¹¹ Contra Costa County has a substation that is within the Delta in Brentwood, CA. The officers' role in the substation was described as being "community officers" who live in the Delta and respond to crimes and calls more quickly. The substation is staffed by six officers and they have two shifts that patrol from 4 a.m. to 12 a.m. every day. The substation deals with marine-related crimes; crimes on the waterways and boat

able to meet the needs of the community. On the other hand, Sacramento County's South Bureau was more than 50% over budget in overtime as of February 2012 due to its attempt to cover hundreds of square miles with a limited number of officers. Fortunately, there is a high level of cooperation according to law enforcement representatives, and officers will respond to emergency calls if they are close, even if it requires crossing jurisdictional lines.

Given the difficulties law enforcement faces in the Delta, any planned increase in recreation and tourism should consider the potential increased requirements that would be placed on local agencies, and endeavor to mitigate them when possible. As outlined below, there are several potential programs the Delta Conservancy could pursue to reduce these impacts.

Reserve and Volunteer Officers

Many communities employ reserve and volunteer officers to handle non-emergency calls and conduct patrol activities. Sacramento's South Bureau had a volunteer center that was staffed by one full-time professional Sheriff's Deputy until budget cuts forced its closure. The volunteers helped increase coverage at little cost to the County by handling many non-emergency calls which would have otherwise tied up the few deputies available in the area. Another advantage of volunteers is that they are usually from the community, and therefore are familiar with the area and local citizens.

Reserve officers, unlike volunteers, are fully-trained law enforcement officers who are either retired or working part-time with a law enforcement agency. Yolo County often relies on its volunteer reserve force to respond to emergency situations. This allows the County to have deputies available when needed, without the expense of supporting as many full time employees as would otherwise be needed.

Both reserve and volunteer officers enhance coverage without incurring the cost of hiring additional full time officers. As recreation and tourism increases, the Delta Conservancy could work with local communities and counties to implement a volunteer solution to ensure that coverage adequately addresses crime in the Delta and improve relationships with local communities, even in a tight budget cycle. Greater coverage could enhance the appeal of the Delta as a tourist destination by reducing crimes like illegal dumping, graffiti, and other damaging acts which detract from the natural aesthetic.

Equitable Coverage

While some areas in the Delta have almost no coverage, some recreational areas are patrolled with more consistency. Each year the Delta Operations and Intelligence Team of the Rio Vista Coast Guard cooperate with Contra Costa, San Joaquin, and Yolo counties to do three "blitzes" in high traffic Delta waterways. The "Delta Blitz" is a tactic employed by law enforcement to enhance public safety on waterways, deter crime on the water, and educate the public. From a law enforcement perspective, this provides benefits by making their presence felt and ensuring that the waterways are safe for recreation. The business community, however, has expressed concern that these events tend to drive away the business that large events generate.

During the Delta Blitz, boats are stopped and inspected for safety equipment and registration to ensure the operator is not intoxicated and that the craft is in operable condition. According the Coast Guard,

slips; vehicle dumping; trailer, car, and boat theft; and DUI's and BUI's. Although the substation is understaffed, the respondent stated that presence on the ground and in the Delta community both deters and prevents crimes.

each stop takes 30 to 45 minutes, and only occurs if there is reason for suspicion. At a Delta Chamber of Commerce meeting, however, several boaters recounted stories of being stopped multiple times in one trip by several agencies that conducted the same safety checks, and expressed frustration with what they consider to be excessive stops.

The following are suggestions made by boaters and business owners at the Delta Conservancy's public meeting and in interviews with Sheriff's Departments that could help provide more equitable coverage and support recreation in the Delta:

1. Law enforcement officials could provide an indicator, such as a flag or a sticker, which denotes that a boat has already been stopped. The indicator would help prevent a boater from being stopped multiple times and allow officers to address other boating violations. This could alleviate some of the negative impacts of the Delta Blitz while maintaining its benefits to public safety.
2. One Sheriff's department suggested setting up inspection stations at public boat ramps which could ensure that boats have the necessary safety equipment before they enter the water. This could reduce the need for marine units to stop boats to perform inspections and focus on boaters who are engaged in dangerous behavior, such as reckless driving and boating under the influence.
3. Having a trusted boater program for individuals with extensive or professional boating experience can help reduce the need for safety checks. For example, a "trusted boater" can display a placard or flag denoting this status informing law enforcement that they are dealing with a person who has the necessary boating safety equipment required by California law.

With resources and budgets undergoing constant reductions, creative methods for reducing officer workload and increasing coverage should be a part of any plan to increase recreational use of the Delta. While improving tourist access, these programs can be incorporated to ensure efficient use of current resources.

Conclusion

This report aims to assist the Delta Conservancy in fulfilling its mandate of protecting and restoring the Delta, while encouraging economic growth. Providing more recreational opportunities is one way to strengthen the economy in the region; however, with an increase in recreation and tourism comes the need for greater law enforcement coverage. By informing the current scope of law enforcement in the region, highlighting the primary safety concerns, and proposing potential initiatives to address those concerns, this report serves as a baseline in planning future increases in recreation and tourism.

The findings in this report determine that a majority of safety concerns in the Delta region center around trespassing, theft, boating safety, and the level of law enforcement coverage overall:

- **Trespassing** concerns include the liability land owners face should trespassers get hurt. Two potential initiatives to address trespassing concerns are clearer signage between public from private land, and personal liability insurance for land owners.
- **Theft** concerns center primarily on metal theft such as water pump valves, vehicle batteries, copper wires and a number of other farm equipment pieces known to attract thieves. The report suggests one initiative to reverse this trend is a program preventing the sale of metals after they are stolen, such as partnerships with recycling centers to catch thieves as they try to re-sell their stolen goods.
- **Boating safety** was a concern shared across the board in the interviews with law enforcement, particularly in the interviews with the Marine Services Units. Boating accidents often increase when tourism increases. Therefore, the law enforcement agencies strongly encourage boater education programs as a means to address the issue before recreation and tourism increases. Potential education programs include mandatory licensing of vessel operators or online educational courses focusing on boating safety. The report also suggests temporary solutions such as a program similar to the *Designated Operator* program used on Lake Havasu in Arizona, where Coast Guard-licensed captains offer their hourly services to promote safe vessel piloting to recreational boaters.
- **Law enforcement** in the Delta is challenged by the vast, remote, and difficult to access nature of the region. This issue is compounded by the diminishing budget and personnel resources law enforcement agencies are facing due to the economic downturn. Potential initiatives to address this concern are reserve officers and volunteer centers. Both reserve officers and volunteers enhance coverage while avoiding the cost of hiring more officers. The report suggests that as recreation and tourism increases the Delta Conservancy could work with local communities to implement volunteer solutions to help ensure that there is adequate coverage during tight budget cycles. Additionally the report suggests a more equitable spread of current law enforcement resources, as some areas have almost no coverage, while other areas are patrolled with consistency.
- **Law enforcement** on the water is also stretched thin. This report suggests several inexpensive ways to maximize enforcement on the water. One Sheriff's Department suggested setting up inspection stations at public boat ramps to ensure boats have the necessary safety equipment before they enter the water. A method that is currently being used to address enforcement concerns on the water is the "Delta Blitz"; a tactic to enhance public safety, deter crime, and educate boaters in high traffic areas. This report suggests incorporating the use of an "I've been

searched” badge during these Delta Blitzes to avoid the unnecessary double searches that can have can negatively impact the limited law enforcement resources, boaters, and local businesses.

Furthermore, the report suggests a “trusted boater” placard or flag for individuals with extensive or professional boating experience, which would also help decrease unnecessary searches and safety inspections.

In addition to the aforementioned findings, the report suggests areas for future research for the Delta Conservancy. Because this report primarily focuses on the perspective of law enforcement officers, it would be valuable to conduct interviews with Delta residents, particularly business owners and farmers, in the future. Capturing the perspectives of these stakeholders is imperative in obtaining a more nuanced understanding of safety concerns in the region. Additionally, the Fellows suggest that there is a need for Delta-specific crime data and statistics in the future, as current data is generally only by county, which makes it difficult to provide specific and comparable data regarding the scope of law enforcement needs in the Delta region.

This report is intended to serve as a baseline to assess the scope of law enforcement in the Delta region, and the enforcement challenges that would need to be addressed should there be an increase in Delta recreation and tourism in the future.

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The following people were interviewed for this report:

Contra Costa County Sheriff's Department, <i>Marine Patrol</i>	Lieutenant Doug Powell
Contra Costa County Sheriff's Department, <i>Substation</i>	Sheriff Michael Wright
Sacramento County Sheriff's Department	Sergeant Todd Kell Deputy Ron Panna
San Joaquin County Sheriff's Department, <i>Marine Patrol</i>	Assistant Sheriff Rubin Orozco
Solano County Sheriff's Department	Sheriff Gary Stanton
Yolo County Sheriff's Department, <i>Marine Patrol</i>	Sergeant Al Williams Sergeant Kurt Zeiler
California Department of Fish and Game	Assistant Chief Tony Warrington
California Department of Boating and Waterways	Melissa Frago, Legislative Coordinator
California Highway Patrol	Captain Mark Mulgrew Lieutenant Rodney Ellison Lieutenant Brandon Johnson Sergeant Brian Goldhammer Officer Mike Hamilton
US Coast Guard, <i>Rio Vista Station</i>	Senior Chief Rob Goley
California State Assembly, <i>Committee on Water, Parks, and Wildlife</i>	G. Diane Colborn, Chief Consultant Tina Leahy, Principal Consultant
California State Assembly, <i>Select Committee on Regional Approaches to Addressing the State's Water Crisis</i>	Alf Brandt, Principal Consultant
Delta Chamber of Commerce	Members